

BOARD OF APPEALS CASE NO. 5321

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BEFORE THE

APPLICANT: John & Edna Bradford

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ZONING HEARING EXAMINER

REQUEST: Variance for an existing dwelling and proposed addition located within the rear yard setback; 1301 Belle Meade Road, Fallston

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 1/22/03 & 1/29/03

HEARING DATE: March 3, 2003

Record: 1/24/032 & 1/31/03

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ZONING HEARING EXAMINER'S DECISION

The Applicants, John & Edna Bradford, are requesting a variance, pursuant to Section 267-35B, Table III, of the Harford County Code, for the existing dwelling and a proposed addition within the 50 foot rear yard setback (48 feet for existing house and 38 feet for proposed addition) in an RR/Rural Residential District.

The subject parcel is within the Belle Meade subdivision at 1301 Belle Meade Road, Fallston, MD 21047 and is more particularly identified on Tax Map 48, Grid 3B, Parcel 410, Lot 19. The subject parcel consists of 0.56± acres, is zoned RR/Rural Residential and is entirely within the Third Election District.

The Applicant, Mr. John Bradford, Sr. appeared and testified that he and his wife are seeking approval to construct an addition to their home that will serve as an enlargement to the Master bedroom and provide additional closet space. The witness described his home as of modest size with small rooms and a severe lack of closet space. The current master bedroom is only estimated to measure 11 ft. by 13 ft. The addition is 12 ft. by 17 ft. and will provide significant additional living space. The siding and roofing material are intended to match the existing home. The witness indicated that the present home was apparently misplaced on the property and has encroached into the 50 foot setback by 2 feet since its construction. The addition will be to the rear of the home and will result in a 38 foot setback.

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The parcel is a corner lot and it is the corner lot configuration that creates a two front yard condition and a requirement for the subject variance. Similar sized residential lots within the Belle Meade subdivision that are not corner lots would not need a variance for the same addition. In the opinion of the Applicant no adverse impact would result for the grant of the two requested variances. A substantial hardship would result if the variance related to the home placement were not granted, however. In conclusion, the witness indicated that he had personally spoken with his neighbors and none of them had any objections to either the variances requested or the addition itself.

The Department of Planning, in its staff report dated January 27, 2003, found that the subject parcel was uniquely configured resulting in two front yard setback requirements and recommended approval of the subject requests. In making its recommendation the Department found that the angular placement of the home on the lot coupled with the location of the septic system made the proposed location of the addition the only practical placement.

There were no persons that appeared in opposition to the request.

CONCLUSION:

The Applicants, John & Edna Bradford, are requesting a variance, pursuant to Section 267-35B, Table III, of the Harford County Code, for the existing dwelling and a proposed addition within the 50 foot rear yard setback (48 feet for existing house and 38 feet for proposed addition) in an RR/Rural Residential District.

The Harford County Code, pursuant to 267-11 permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

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The Hearing Examiner finds that the subject parcel is unique. It is a corner lot and subject to two front yard setbacks that severely limit any opportunity for expansion of the size of the home. The lot is of sufficient size to accommodate the proposed addition (0.56 acres) and lots of similar size in this development have been able to add additions without the need of obtaining a variance. The placement of the house has existed for some time without adverse impact and does not result from any action taken by the Applicant's themselves. The addition is consistent with similar additions commonly found in Belle Meade and other RR zoned communities in Harford County and is consistent with the Zoning Code. The Hearing Examiner concludes that a grant of the two variances will not result in adverse impact to any adjacent or neighboring property owner.

For the foregoing reasons, the Hearing Examiner recommends approval of the request, subject to the condition that the Applicant obtain any and all necessary permits and inspections.

Date MARCH 10, 2003

William F. Casey
Zoning Hearing Examiner